

**POLICY BULLETIN
CHILD NUTRITION PROGRAMS**

FDP 01-08

March 17, 2008

SUBJECT: Suspension of Westland Meat Co. And Mr. Stan Mendell

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By letter dated January 30, 2008, USDA's Agriculture Marketing Service (AMS) suspended Mr. Stan Mendell and Westland Meat Company's (Westland Meats) eligibility to participate in any Federal program, pending the results of an ongoing investigation and potential legal proceedings. The suspension action was effective immediately based on adequate evidence that the company committed irregularities of a serious nature in its business dealings with the Federal Government, specifically incidents at their facility involving the inhumane handling of livestock. Westland and Mr. Mendell were ordered to "immediately cease production on its USDA contracts and not deliver on contracts that have been produced." During the period of suspension, Westland Meats is also prohibited from conducting business with the Government as an agent or representative of other contractors. Including serving as a subcontractor to other companies doing business with the Government. The suspension is in effect until a complete investigation can be conducted to determine if food safety regulations and contractual obligations were violated. USDA remains confident in the inspection system which ensures the safety and wholesomeness of the food supply.

While this suspension was taken in accordance with provisions of the Federal Acquisition Regulation at 48 CFR Part 9.4 it has reciprocal exclusionary effect for activities such as those conducted under the Child Nutrition Programs (7 CFR § 3017.130)

As a consequence of the suspension, Federal grantees and subgrantees are precluded from renewing or extending an existing contract or entering into future procurement covered transactions with Westland Meats and Mr. Mendell, until AMS concludes its investigation and potential legal action or advises otherwise (7 CFR § 3017.310(b)). In addition, a Federal grantee or subgrantee may terminate an existing contract with Westland Meats; however, they are not required to do so (7CFR § 3017.310(a)).

Due to the nature of the suspension (i.e. the inhumane treatment of livestock) and alleged violation of food safety regulations, school food authorities should carefully consider existing contractual obligations. Should any decisions regarding contract termination be considered based on the suspension action we recommend they be discussed the appropriate school district counsel or other appropriate office.